

**** E-filed January 4, 2012 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BANK OF MONTREAL, individually and as
Administrative Agent,

Plaintiff,

v.

STOUGHTON DAVIDSON
ACCOUNTACY CORPORATION,

Defendant.

No. C11-03245 HRL

**ORDER CONTINUING SHOW CAUSE
HEARING**

[Re: Docket No. 23]

The parties in this action have informed the court that they have yet to finalize the terms of their settlement. They request that the court vacate the show cause hearing and extend the time to file a dismissal in this action. See Dkt. No. 23. The court finds good cause to GRANT the continuance requested, but disfavors vacating hearing dates only to have to reset them. Therefore, the parties shall comply with the following schedule:

On or before **February 10, 2012**, plaintiff shall file a voluntary dismissal pursuant to Fed.R.Civ.P. 41(a). If a dismissal is not filed, all parties shall appear in Courtroom 2, 5th Floor, 280 South First Street, San Jose, CA 95113 on **February 21, 2012, 10:00 a.m.** and show cause, if any, why the case should not be dismissed. The parties shall file a statement in response to this Order to Show Cause no later than **February 14, 2011**. The joint statement shall state (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is needed to finalize the settlement and file a dismissal. If a dismissal is filed, the Show Cause hearing will be automatically vacated and no statement will be required.

IT IS SO ORDERED.

Dated: January 4, 2012



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **C11-03245 HRL Notice will be electronically mailed to:**

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6 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
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